

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
Mika Lethake Phillips) Case No: 3:02CR182-3
Date of Previous Judgment: 11/18/03) USM No: 19111-058
(Use Date of Last Amended Judgment if Applicable)) Norman Butler
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29 Amended Offense Level: 27
Criminal History Category: III Criminal History Category: III
Previous Guideline Range: 240 to 240 months Amended Guideline Range: 240 to 240 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain): _____

III. ADDITIONAL COMMENTS

Pursuant to USSG §5G1.1, the sentence imposed may not be less than the statutorily required minimum sentence. If Amendment 706 (Retroactive Crack Cocaine Amendment) had been in place at the original sentencing, the guideline sentence would have been the mandatory minimum. Therefore, Amendment 706 has no effect on the defendant's

Except as provided above, all provisions of the judgment dated 11/18/03 shall remain in effect.

IT IS SO ORDERED.

Order Date: January 28, 2009



Graham C. Mullen
United States District Judge

Effective Date: _____
(if different from order date)

